

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR08-203-MJP

12 v.

13 JAMES EDWARD CHATMAN, JR.,
14 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on March 19,
17 2012. The defendant appeared pursuant to a warrant issued in this case. The United States was
18 represented by Mark Parrent, and defendant was represented by Lynn Hartfield. Also present
19 was U.S. Probation Officer Martin Williams. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 Defendant was originally sentenced on July 7, 2000, by the Honorable Alan B. Johnson,
22 United States District Judge in the District of Wyoming, for Conspiracy to Possess with Intent to
23 Deliver Cocaine Base. He received 120 months of detention and 5 years of supervised release.
On June 6, 2008, Mr. Chatman's supervision was transferred to the Western District of
Washington.

1 On July 6, 2010, a warrant was issued for James Chatman for allegedly violating his
2 conditions of supervision by committing the crime of possession of marijuana, leaving the
3 Western District of Washington without permission of the Court on three separate occasions,
4 failing to notify this probation officer within 72 hours of his arrest, failing to submit a truthful
5 written report to the U.S. Probation Office, and failing to notify the probation officer within ten
6 days prior to a change of resident. Mr. Chatman was sentenced to serve 30 days custody to be
7 followed by 57 months of supervised release, with added conditions to include four months in a
8 residential reentry center.

9 On August 17, 201, a noncompliance summary was submitted to the Court following Mr.
10 Chatman's violation of supervised release. The report noted he was arrested for the crime of
11 Driving Under the Influence on August 17, 2010, by the Washington State Patrol. No action was
12 recommended as charges had not yet been filed and Mr. Chatman was due to enter the residential
13 reentry center on August 18, 2010.

14 On October 27, 2010, a request to modify Mr. Chatman's conditions of supervision was
15 submitted to the Court. The request was to eliminate the 25% subsistence fee requirement from
16 the residential reentry center condition in this case. The Court concurred with the modification
17 of Mr. Chatman's condition on October 28, 2010.

18 PRESENTLY ALLEGED VIOLATIONS

19 In a petition dated March 9, 2012, U.S. Probation Officer Martin Williams alleged that
20 defendant violated the following conditions of supervised release:

- 21 1. Failing to notify his probation officer within 72 hours of his arrest for Driving
22 While License Suspended in King County Washington on or before December 22,
2010, in violation of standard condition #11.
- 23 2. Being convicted of Driving While License suspended in the Third Degree under
King County District Court case number CS09084KC on July 14, 2011, in King

PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE - 2

County, Washington, in violation of the general condition that he not commit a federal, state, or local crime.

3. Being convicted of Negligent Driving in the First Degree under case number XY0268618 on July 14, 2011, in King County District Court, in King County Washington, in violation of the general condition that he not commit a federal, state, or local crime.
4. Leaving the Western District of Washington without the permission of the Court or probation officer on or before March 4, 2011, in violation of standard condition #1.
5. Failing to participate in substance abuse treatment since on or before September 12, 2011, in violation of his special condition that he participate in a treatment program for substance abuse.
6. Entering into multiple alcohol establishments where alcohol is being served between November 30, 2011, and February 15, 2012, in violation of his special condition that he not enter into any establishment where alcohol is the primary commodity for sale.
7. Failing to provide requested financial information on or before February 8, 2012, in violation of his special condition that he provide his probation officer with access to any requested financial information.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted to violations 2, 3, 5, and 7 and denied violations 1, 4, and 6. A joint evidentiary and disposition hearing is set for April 4, 2012 at 4:00 p.m. before the Honorable Marsha J. Pechman.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the Court find that defendant has violated conditions # 2, 3, 5, and 7 of his supervised release as alleged above, and conduct a joint evidentiary and disposition hearing.

DATED this 19th day of March, 2012.



BRIAN A. TSUCHIDA
United States Magistrate Judge